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U.S.S.N. 10/807,064

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*REMARKS*

The present invention relates to an improved polishing pad suitable for chemical mechanical planarization (CMP). Claims 1-51 are pending. Claims 34-51 are withdrawn from consideration as being drawn to a non-selected invention.

The applicant gratefully acknowledges the Office Action's assertion that claims 12, 13, 24 and 25 would be allowable if written in independent form, including all of the limitations of the base claim and any intervening claims.

Claims 1, 3-7, and 14-17 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Xu *et al.* (U.S. Patent 6,949,020). The Office Action states that Xu *et al.* disclose a pad having polymeric material, a component and thermoplastic polymer.

The applicant respectfully disagrees. The Xu *et al.* reference teaches a seamless polishing pad shaped like a belt. Xu *et al.* teach a polymeric polishing structure formed on a reinforcement belt layer. The seamless polishing pad is generated by pouring a polymeric gel into a mold and curing the polymer gel for about 20 hours at 200 degrees F. Xu *et al.* claim but do not discuss the porous structure of the pad in the specification. Whatever else the Xu *et al.* reference teaches, they do not teach a pad comprising a polymeric material and a component selected from a liquid, a solid, or a mixture thereof, wherein the polymeric material has pores and the component is disposed within the pores. The Xu *et al.* does not disclose all of the claimed elements arranged as in the claim, and therefore cannot properly be considered anticipatory to the present invention. The applicant respectfully requests the rejections under 35 U.S.C. §102(e), for claims 1, 3-7, and 14-17, be withdrawn.

Claims 1-11, 14-23 and 26-33 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Prasad (U.S. Patent 6,935,931). The Office Action states that Prasad discloses a pad having a polymeric material, a component and a thermoplastic polymer.

The applicant respectfully disagrees. The cited prior art is not the prior art of another as required under 35 U.S.C. §102(e), and therefore the rejection is improper. Dr. Abaneshwar Prasad is the sole inventor on both the cited reference and the present invention. Applicant respectfully request the rejection of claims 1-11, 14-23 and 26-33 under 35 U.S.C. §102(e) be withdrawn.

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The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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